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IBM CORPORATION - RSW (JVL) C/O VAN LEEUWEN & VAN LEEUWEN P.O. BOX 90609 AUSTIN, TX 78709-0609			FLEISCHER, MARK A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,857	Applicant(s) CRAWFORD ET AL.
	Examiner MARK A. FLEISCHER	Art Unit 3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 April 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3,5-7 and 25-32 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3,5-7 and 25-32 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04 June 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Status of Claims

1. This non-final Office Action is in reply to the amendments and the Request for Continued Examination filed on 15 April 2009.
2. Claims 1 has been amended.
3. Claims 21 and 22 have been canceled.
4. Claims 25 – 32 have been added.
5. Claims 1, 3, 5 – 7 and 25 – 32 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR §1.114, including the fee set forth in 37 CFR §1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR §1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR §1.114. Applicant's submission filed on 15 April 2009 has been entered.

Response to Amendment

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.
8. The rejections of claims 1, 3, 5–7, 21 and 22 under 35 U.S.C. §112 2nd are withdrawn in light of Applicant's amendments or cancellation of claims 1, 21 and 22 regarding the limitation "*wherein the selected common metric spans the product lifecycle and corresponds to each of the plurality of product phases...*". Examiner however rejects, under 35 U.S.C. §112 2nd, claim 1, 3, 5–7 and 25 – 32 for new reasons set forth below.

Response to Arguments

9. Applicant's well-articulated arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Examiner notes with appreciation that with the exceptions articulated in the rejections based on 35 U.S.C. §112, second paragraph, the claim language provides a clearer understanding of the invention. A significant issue exists however and involves how the phase goals are determined. Applicant has provided good examples of how the methodology works: "...a large amount of 'reliability-related' phase goals may be generated for each product phase. In this example, phase goals for a 'product test' phase may include specific tests that include extensive test conditions to measure the performance and durability of the product." (Remarks, p.9,10). The remarks clarify the meaning and purpose of the invention, but as the claims are written, only a *number* of phase goals seem to be generated and no steps or methodology are stated describing how the invention moves from a *given number* of phase goals to the goals themselves, *i.e.*, their actual definition and articulation.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 1, 3, 5-7 and 25 – 32 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, while the specification and the claims indicate the correlation between the weighted priority and the number of phase goals, it does not provide teachings for creating or defining the particular phase goals themselves. References in the specification pertaining to the "common metrics manager" (see for example Specification, page 9, line 6) suggest that this component performs this function,

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but no enablement of the common metrics manager is provided in the specification. The specification merely points out that this component "generates phase goals" (see e.g., Specification p.8, line 31), but not how it accomplishes this. Presumably, these phase goals must be distinct yet related to the common metric and thus share some qualitative aspects without being redundant. It is thus unclear and apparently unstated as to how this is achieved.

12. The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1, 3, 5–7 and 25 – 32 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The claim language of claim 1 states "*determining a number of phase goals in which to generate based upon the priority of the selected common metric*" where it is unclear as to what is being generated. In particular, the phrase "to generate based upon" seems to be missing the object that which is generated (in which to generate what?) and thus the meaning of this limitation is unclear. Applicant is requested to clarify the meaning of this limitation and the phrase therein. For purposes of examination, Examiner interprets this as meaning that a number of phase goals are generated based upon the priority of the selected common metric.
- The specification suggests that this is a number of goals—"...a large number of phase goals are generated..." (see Specification, p. 16, lines 21-2). The specification suggests some correlation based on the "weighted priority", hence an algorithm, but the act of generating itself is unclear in that it appears to be based on a table-lookup, which suggests an act of determining based on a data-structure, as opposed to using some algorithm or formula, hence these claims are incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the steps wherein a data structure for table look-up is effected, or the steps wherein some well-defined mapping or

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calculation is effected. As such this claim is vague and indefinite. For purposes of examination, Examiner interprets this to mean a number of phase goals, *i.e.*, an integer value, and the act of generating is one of determining.

- With regard to the aforementioned interpretation, it is unclear how, *for a given number of phase goals*, the actual phase goals are determined. Applicant provides several examples of the number of goals in a given category based on the priority value, but does not indicate specifically how these phase goals are determined. Are they distinct and independent or can they overlap and be redundant? How are the actual goals determined and defined? Applicant needs to clarify these issues.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 3, 5-7 and 25 – 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Corral (US 20030188290 A1) in view of Nandigama, *et al.* (US PgPub 20040010441 A1) and further in view of Vouk (*Software Reliability Engineering*) and Mendonça, *et al.* (*Validation of an Approach for Improving Existing Measurement Frameworks*).

Claim 1:

Corral, as shown, describes and/or discloses the following limitations:

- A computer-implemented method comprising:
 - identifying a plurality of product phases that correspond to a product lifecycle

(Corral, from [0075] to [0082] states: "To document the Quality Management

system, several documents are created: [...] a Process Description that describes all the processes within the corresponding Organization. Preferably, there is a description of the phases, the activities within the phases, and the tasks within the activities." (emphasis added) where 'several documents are created' corresponds to *identifying* and 'there is a description of the phases' corresponds to *a plurality of product phases...*);

Corral does not specifically describe and/or disclose the following limitation, but Nandigama, in an analogous art, does as shown.

- *determining a number of phase goals in which to generate based upon the priority of the selected common metric* (Note that Corral, in at least [0018] states: "defining a set of quality processes adapted to the quality objectives required by the organization" (emphasis added) where 'defining...processes' corresponds to *generating ...phase goals* and 'adapted to ...' corresponds to *to each of the ...product phases* and 'objectives' corresponds to *phase goals*. However, Nandigama [0040] teaches determining a relevancy factor which corresponds to the priority of the selected common metric—"the questions and metrics can be filtered and sorted so that only questions or metrics having a threshold relevance are displayed [...] as used herein threshold relevance and weight factor can represent the same concept, which is a minimum degree of relevance in order to be further considered." and thus, the greater relevance, the more questions and metrics are used. Nandigama [0013]: "The program instructions for identifying questions include program instructions for assigning a question relevancy factor to each of the questions indicating a degree of relevance with each of the goals related to the questions." (emphasis added))));
- *selecting a common metric from a plurality of common metrics* (Nandigama [0031]: "Then, common metrics chosen by the mangers *[sic]* can be used rather

than a laundry list of metrics developed by a shotgun approach." (emphasis added));

- *wherein the selected common metric is applicable to each of the plurality of product phases* (Nandigama [0031]: "In addition, the database allows for multiple managers of a division to assign a relevance factor to metrics and question. [...] In one embodiment, the common metrics can be arrived at by finding the intersection of the metrics chosen by each manager." (emphasis added) where the 'relevance factor' indicates some degree of 'applicability' to each of the product phases and the 'multiple managers...' corresponds to and is suggestive of a *plurality of product phases.*);
- *identifying a weighted priority of the selected common metric* (Nandigama [0040]): "In one embodiment, the questions and metrics can be filtered and sorted so that only questions or metrics having a threshold relevance are displayed. It should be appreciated that as used herein threshold relevance and weight factor can represent the same concept, which is a minimum degree of relevance in order to be further considered." (emphasis added));
- *applying the different group of phase goals for each of the plurality of product phases to their corresponding plurality of product phases* (Nandigama [0005] states "...even within the same organization, divisions having the same goals may choose different metrics to measure the progress towards the same goals." (emphasis added) and in Nandigama [0010]: "The mapping includes defining a relevancy of the question to the goal. Then, the question is mapped to the metric related to the question. The mapping here includes defining a relevancy of the metric to the question. Next, a threshold relevancy indicating a minimum relevancy for the metric to be related to the question and the question to be related to the goal is defined. Then, it is determined if the metric is required to indicate achievement of the goal." (emphasis added) where the term 'mapping'

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corresponds to *applying the ...goals ...to the phases*. Note also in [0009] reference is made to "a set of goals...to determine if the goals are being achieved." where 'set of goals' corresponds to a series of *phases*; and

- *executing each of the plurality of product phases using their corresponding different group of phase goals* (Nandigama [0005] states "...even within the same organization, divisions having the same goals may choose different metrics to measure the progress towards the same goals." (emphasis added) and in [0006]: "The selection of the proper metrics and implementation of those metrics in the correct process will guide an organization's process improvement towards sustained profitability." (emphasis added)).

Corral and Nandigama both describe the product development process with respect to software products and how various phases of the process are monitored and evaluated using various "common metrics", that are used "to assist organizations in standardization of the mapping of goals to metrics such that the data from the metrics is indicative of the organizations progress in achieving its goals." (Nandigama [0011]). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of Corral and Nandigama and utilize common metrics in the product development process as it permits a greater product reliability and more objective monitoring of the development phases. This, in turn, can lead to greater product success and, hence, profitability.

Neither Corral nor Nandigama nor Vouk specifically describe and/or disclose the following limitation, but Mendonça, in an analogous art, does as shown.

- *for each of the plurality of product phases, utilizing a processor to generate the number of phase goals for the selected common metric resulting in a different group of phase goals for each of the plurality of product phases* (Note that the *number of phase goals* and *a different group of phase goals* is taught by Nandigama as shown above. Mendonça, p. 485, Section 2.2 states "The GQM

paradigm first step is to define measurement goals tailored to the specific needs of an organization. Goals are refined in a operational, tractable way, into a set of quantifiable questions. Questions in turn imply a specific set of metrics and data for collection." (emphasis added) which indicates a correspondence between metrics and the goals.)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine and/or modify the evaluation and assessment methods of Corral, Nandigama and Vouk using the techniques of Mendonça because Mendonça specifically teaches the steps of defining goals, i.e., a set or number of them given a set of metrics. Moreover, Mendonça also specifically teaches as a first step the identification of metrics and attributes (Mendonça, p. 488, section 3.1) and further describes using both a top-down and bottom-up approach to wit: "The top-down and bottom-up analyses are designed to be applied incrementally." and thus incorporates the disclosed invention. Consequently, the prior art teaches a known technique that is applicable to the methods of process driven quality measures and those in the art would have recognized applying the known technique would have yielded an improvement and was predictable.

Claim 3:

Corral further describes and/or discloses the following limitations:

- *receiving one or more feedback responses from one or more feedback sources* (Corral, in at least the abstract states: "Data relative to the quality processes is collected and aggregated to generate quality reports." (emphasis added) where the 'data relative...' corresponds to *feedback responses* and 'collected' corresponds to *receiving ... feedback* and *ipso facto* must come from a *feedback source*. Moreover, Corral in at least [0016] refers to a "feedback quality management action tracking process" and, hence, involves feedback sources.);
- *analyzing one of the feedback responses* (Corral, in at least the abstract goes on to state: "Reports are analyzed and problems are detected through a defect prevention

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process." (emphasis added) where the 'reports' that are 'analyzed' corresponds to the limitation.); and

- *generating each of the common metrics in response to the analysis* (Corral finally states in the abstract: "Quality actions are initiated in a feedback quality management action tracking process." (emphasis added) where the 'tracking process' corresponds to *generating ...the common metrics* that reflect an evaluation of the process.).

Claim 5:

Neither Corral nor Nandigama specifically describe and/or disclose the following limitations and elements therein, but Vouk, in an analogous art does as shown:

- *at least one of the feedback sources is selected from the group consisting of a customer survey, a help line response, a technical support response, and a field report* (Vouk, in at least page 1, col. 1, §2, para. 2 states: "In one case, SRE has been credited with reducing the incidence of customer-reported problems, and maintenance costs, by a factor of 10." (emphasis added) where 'customer...' corresponds to *the group ...customer survey* since customer-reported problems are typically determined using surveys which assess "customer satisfaction" as shown in Vouk in paragraph 1 of the same page. But see also Nandigama [0030] "the metric may be a customer quality index (CQI) which represent incidents or bugs in software delivered to a customer.").

Corral, Nandigama and Vouk all describe the product development process with respect to software products and how various phases of the process are monitored and evaluated using various metrics. An important data element as to quality is based on feedback data as illustrated in both Nandigama and Vouk. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Corral, Nandigama and Vouk and utilize information obtained through a feedback process to improve the product as it permits a greater product reliability and customer satisfaction which, in turn,

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can lead to greater product success and profitability and that such use of feedback information was known in the art and its utilization would have been predictable.

Claim 6:

Corral further describes and/or discloses the following limitation.

- *at least one of the plurality of product phases is selected from the group consisting of a planning phase (Corral [0049]), a design phase ([0319]), a development phase ([0051]), a test phase ([0051]), and a release phase* (Corral, in at least [0319] states: "Common types of problems, [...] (education problems, oversight in the design phase) and common types of suggested actions (tools, documentation)." See also [0277] and Table 35.)

Claim 7:

Corral describes and/or discloses the limitations of claim 1 as shown above. Corral further describes and/or discloses the following limitation.

- *the method is performed using an electronic computing device* (Corral, in at least claim 1 states: "A computer implemented method for operating a quality plan in a product development organization comprising a plurality of members and having quality objectives for product development projects [...]").

Claims 25 and 29:

Corral, as shown, describes and/or discloses the following limitations:

- *one or more processors* (Corral [abstract]);

Corral does not specifically describe and/or disclose the following limitation, but Nandigama, in an analogous art, does as shown.

- *a memory accessible by at least one of the processors* (Nandigama [0047]);
- *a nonvolatile storage area accessible by at least one of the processors* (Nandigama [0047]);
- *a set of instructions stored in the memory and executed by at least one of the processors in order to perform actions of* (Nandigama [abstract]):

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- *identifying a plurality of product phases that correspond to a product lifecycle* (See the rejection of claim 1);
- *selecting a common metric from a plurality of common metrics, wherein the selected common metric is applicable to each of the plurality of product phases* (See the rejection of claim 1);
- *identifying a weighted priority of the selected common metric* (See the rejection of claim 1);
- *determining a number of phase goals in which to generate based upon the priority of the selected common metric* (See the rejection of claim 1);

Corral and Nandigama both describe the product development process with respect to software products and how various phases of the process are monitored and evaluated using various "common metrics", that are used "to assist organizations in standardization of the mapping of goals to metrics such that the data from the metrics is indicative of the organizations progress in achieving its goals." (Nandigama [0011]). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of Corral and Nandigama and utilize common metrics in the product development process as it permits a greater product reliability and more objective monitoring of the development phases. This, in turn, can lead to greater product success and, hence, profitability.

Neither Corral nor Nandigama nor Vouk specifically describe and/or disclose the following limitation, but Mendonça, in an analogous art, does as shown.

- *for each of the plurality of product phases, generating the number of phase goals for the selected common metric, resulting in a different group of phase goals for each of the plurality of product phases* (Note that the *number of phase goals* and *a different group of phase goals* is taught by Nandigama as shown above. Mendonça, p. 485, Section 2.2 states "The GQM paradigm first step is to define measurement goals tailored to the specific needs of an organization. Goals are refined in a operational, tractable way, into a set of quantifiable questions. Questions in turn imply a specific set of metrics and data for collection." (emphasis added) which indicates a correspondence between metrics and the goals.);
- *applying the different group of phase goals for each of the plurality of product phases to their corresponding plurality of product phases* (See the rejection of claim 1); and

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- executing each of the plurality of product phases using their corresponding different group of phase goals (See the rejection of claim 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine and/or modify the evaluation and assessment methods of Corral, Nandigama and Vouk using the techniques of Mendonça because Mendonça specifically teaches the steps of defining goals, i.e., a set or number of them given a set of metrics. Moreover, Mendonça also specifically teaches as a first step the identification of metrics and attributes (Mendonça, p. 488, section 3.1) and further describes using both a top-down and bottom-up approach to wit: "The top-down and bottom-up analyses are designed to be applied incrementally." and thus incorporates the disclosed invention. Consequently, the prior art teaches a known technique that is applicable to the methods of process driven quality measures and those in the art would have recognized applying the known technique would have yielded an improvement and was predictable.

Claim 26:

Corral teaches the following limitations as shown.

- receiving one or more feedback responses from one or more feedback sources (Corral, in at least the abstract states: "Data relative to the quality processes is collected and aggregated to generate quality reports." (emphasis added) where the 'data relative...' corresponds to *feedback responses* and 'collected' corresponds to *receiving ... feedback* and *ipso facto* must come from a *feedback source*. Moreover, Corral in at least [0016] refers to a "feedback quality management action tracking process" and, hence, involves feedback sources.);
- analyzing one of the feedback responses (Corral, in at least the abstract goes on to state: "Reports are analyzed and problems are detected through a defect prevention process." (emphasis added) where the 'reports' that are 'analyzed' corresponds to the limitation.); and
- generating each of the common metrics in response to the analysis (Corral finally states in the abstract: "Quality actions are initiated in a feedback quality management action tracking process." (emphasis added) where the 'tracking process' corresponds to *generating ...the common metrics* that reflect an evaluation of the process.).

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Claim 27:

Corral does not specifically describe and/or disclose the following limitations and elements therein, but Vouk, as shown, does:

- *at least one of the feedback sources is selected from the group consisting of a customer survey, a help line response, a technical support response, and a field report* (Vouk, in at least page 1, col. 1, §2, para. 2 states: "In one case, SRE has been credited with reducing the incidence of customer-reported problems, and maintenance costs, by a factor of 10." (emphasis added) where 'customer...' corresponds to *the group ...customer survey* since customer-reported problems are typically determined using surveys which assess "customer satisfaction" as shown in Vouk in paragraph 1 of the same page.).

Corral and Vouk both describe the product development process with respect to software products and how various phases of the process are monitored and evaluated using various metrics. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of Corral and Vouk and utilize information obtained through a feedback process to improve the product as it permits a greater product reliability and customer satisfaction which, in turn, can lead to greater product success and profitability.

Claim 28:

Corral teaches the following limitation as shown.

- *at least one of the plurality of product phases is selected from the group consisting of a planning phase, a design phase, a development phase, a test phase, and a release phase* (Corral, in at least [0319] states: "Common types of problems, [...] (education problems, oversight in the design phase) and common types of suggested actions (tools, documentation).").

Claim 30:

Corral teaches the following limitations as shown.

- *receiving one or more feedback responses from one or more feedback sources* (see the rejection of claim 26);
- *analyzing one of the feedback responses* (see the rejection of claim 26); and

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- *generating each of the common metrics in response to the analysis* (see the rejection of claim 26).

Claim 31:

Corral does not specifically describe and/or disclose the following limitations and elements therein, but Vouk, as shown, does:

- *at least one of the feedback sources is selected from the group consisting of a customer survey, a help line response, a technical support response, and a field report* (see the rejection of claim 27).

Corral and Vouk both describe the product development process with respect to software products and how various phases of the process are monitored and evaluated using various metrics. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of Corral and Vouk and utilize information obtained through a feedback process to improve the product as it permits a greater product reliability and customer satisfaction which, in turn, can lead to greater product success and profitability.

Claim 32:

Corral teaches the following limitation as shown.

- *at least one of the plurality of product phases is selected from the group consisting of a planning phase, a design phase, a development phase, a test phase, and a release phase* (see the rejection of claim 28).

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Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Bradley Bayat** whose telephone number is **571.272.6704** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [<http://portal.uspto.gov/external/portal/pair>](http://portal.uspto.gov/external/portal/pair). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to:

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Mark A. Fleischer
/Mark A Fleischer/
Examiner, Art Unit 3624 5 July 2009

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624